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SUBJECT: BURMA: FOURTH ANNUAL TIP REPORT

REF: STATE 07869

1. (SBU) SUMMARY: The following report responds to the checklist provided in reftel requesting information on trafficking in persons activities in Burma from March 2003 to March 2004. The report will also be forwarded by e-mail to EAP/BCLTV in MS Word format. END SUMMARY.

BEGIN REPORT

Overview of Country's Activities:

A. Burma is a country of origin for international trafficking of men, women, and children, for sexual and labor exploitation. Internal trafficking for sexual exploitation and forced labor also occurs. There are no reliable estimates of the magnitude of the international or internal trafficking. The government does not effectively collect such information and, due to strict government controls over information flow, there are no independent assessments of the problem. The government has no estimate for the number of people trafficked in 2003. However, other sources generally estimate that there are thousands of trafficking victims each year, primarily destined for Thailand. Sources for information on trafficking include the Government of Burma, government affiliated non-governmental organizations, international non-governmental organizations, diplomatic missions, and UN offices in Burma. Women and girls are the primary international trafficking and internal trafficking victims while internal forced labor appears to include victims of all ages and both sexes.

B. Internationally, Burmese men, women, and children are trafficked primarily to Thailand for factory, fishing, and sex industry work, but also to China, Bangladesh, Taiwan, India, Singapore, Malaysia, Korea, Macao, and Japan. Internally, trafficking of women and girls occurs from villages throughout the country to urban centers and to other centers for prostitution such as trucking crossroads, fishing villages, border towns, and mining camps.

C. In 2003 the United States imposed an import ban on Burmese products, which played a role in the closure of numerous garment factories. Several NGOs expressed concerns that former garment workers, especially young women, may be at an increased risk of trafficking. There has been no discernible change in the direction or extent of trafficking in recent years, although there is no effective monitoring of the problem.

D. An international NGO is conducting a limited survey on women trafficked into the sex industry and expects to make conclusions in 2004. Also, in May of 2004 the UN and the GOB plan to create a joint trafficking in persons database. However, the GOB has not planned to carry out any surveys to document the nature and extent of trafficking in Burma. Post is unaware of reports from any surveys conducted last year. The International Labor Organization confided that forced labor still occurs in ethnic areas where the military has an operational presence, but there is no accurate estimate of the number of victims per year.

E. Burma is a destination point for possibly hundreds of Chinese and number of East European females working as prostitutes in brothels and casinos in Special Regions #1, 2, and 4 along the China/Burma border in Shan State. These women, some of whom actually believe they are in China, provide sexual services primarily to Chinese businessmen and tourists. Post has no information whether these women have been trafficked, or if they came specifically seeking work in the sex industry.

F. Poverty is the driving force behind trafficking in persons in Burma. It is often the case of voluntary economic migrants being targeted and exploited by "brokers" at the Burmese border, or upon arrival in the country of destination. Girls in poor families are the most at risk. Also at risk are boys and members of minority ethnic groups. The traffickers at the village level are often women returning from working in Thai factories or the sex industry who provide a "connection" for the local girls. Traffickers may promise a restaurant job or educational opportunities,

but once over the border the victim ends up in the entertainment or sex industry, or in an abusive domestic job.

Victims are generally trafficked by the cheapest means available, in the back of trucks or in buses. Because of tight travel controls near border areas, victims would typically require false documentation such as fake family registration certificates, or bribes to make it through military, immigration, and customs check-points, or through the many "unofficial" border crossings controlled by cease-fire and anti-government groups. Several sources reported that once across the border the victims are often turned over to Thai police who use official vehicles to move the victims further into the Thailand.

G. During the year, international agencies and NGOs credited the government for demonstrating political will to combat trafficking and for improvement in cooperation with UN agencies and NGOs. GOB efforts include a national seminar in May 2003 on trafficking, media awareness campaigns, and the arrest and prosecution of 518 traffickers and smugglers since July 2002. The GOB set up a 40-person Anti-trafficking national police unit in March 2004, co-located with Australian government funded Asia Regional Cooperation to Prevent People Trafficking (ARCPPT). On the issue of forced labor, however, the government has continued to do the minimal necessary to avoid the implementation of measures by ILO member states. Although the numbers are difficult to quantify, the military continues to forcibly conscript soldiers, including children. However, the government no longer denies the existence of the child soldier problem. In two recent cases, the ILO was able to obtain the release of two underage soldiers. The GOB wrote a letter to the ILO acknowledging the existence of the two child soldiers. In January 2004, the GOB has established a national-level working group to address the issue of recruiting under-age soldiers for the Burmese army. There have been no prosecutions to our knowledge of government officials linked to TIP or of Army personnel involved in forced labor. The GOB will not identify any funding specifically allocated for TIP. The government generally tasks groups to achieve policy initiatives without providing sufficient funding. For instance, the most active government organization on trafficking, the Myanmar National Committee on Women's Affairs (MNCWA), depends wholly on donations and volunteers to implement its programs.

H. The Home Affairs Ministry states there is no complicity of GOB officials in trafficking. However, NGOs report that government officials are complicit in trafficking, although it appears limited to local or regional officials who are supplementing meager salaries by taking payment for turning a blind eye to trafficking activities. According to one report, Village and Township-level Peace and Development Councils (local variant of the SPDC) earn money from trafficking, and also from skimming remittances from migrants working in Thailand. There are some reports that the Office of the Chief of Military Intelligence (OCMI, the internal intelligence service) controls some brothels, hotels, and karaoke bars, and, by extension, may be involved in trafficking. We do not have reliable information on the extent to which this is happening. There have been no reports of punitive measures taken against these individuals. Military officials and township officials are reported to be directly involved in trafficking for forced labor inside the country. This practice is worst in the border areas. There have been no prosecutions of government officials for either trafficking or forced labor.

I. The GOB set up a repatriation center on the Burma-Thai border, which has processed 10,427 illegal migrants returning from Thailand since September 2001. The GOB also provided reintegration support to six trafficked girls repatriated from Thailand and to three trafficked girls repatriated from Malaysia. However, the government's ability to address trafficking in persons is limited by the lack of funding allocated for social programs. Burma is among the lowest ranked countries in the world for per capita expenditures on health, education, and social welfare services. The government over the past 15 years has drastically cut funding for social services in order to fund military priorities. This trend continues still. Also, because of the government's serious economic mismanagement, poverty and widespread corruption have become the norm. Economic desperation is continually cited as the root cause of sex trafficking in the country.

Prevention:

A. Yes, the government publicly acknowledges that trafficking in persons is a serious problem in Burma. The government has also indirectly acknowledged that forced labor is a serious problem by allowing the presence of the ILO in Burma. The government has publicly acknowledged it has a problem with recruiting child soldiers, and in January 2004 announced the establishment of a ministerial-level Committee for the Prevention of the Recruitment of Child Soldiers to

address the problem. However, the efficacy of this committee has not yet been demonstrated.

B. The Ministry of Home Affairs is the lead agency in anti-trafficking actions for trafficking in persons with support from the Ministries of Social Welfare, Immigration, and Labor, the Supreme Court, and the Attorney General. The Labor Ministry is the lead agency on forced labor.

C. The Ministry of Home Affairs says it educated 86,744 people on trafficking between September 2001 and August 2003. The Social Welfare Bureau's six-person Mobile Training Team trains State and Township-level social workers on trafficking prevention. Also, the MNCWA has conducted seminars, produced and shown videotapes on television, and developed radio programs highlighting the perils of trafficking. On forced labor, the government has posted in public places directives issued in 1999 and 2000 prohibiting the use of forced labor. There has been no assessment of the effectiveness of the trafficking awareness campaign. Forced labor appears to be continuing in the ethnic areas in spite of the posting of the directives against it, though in the one region for which we do have statistics, the data shows forced labor has declined in two out of three townships.

D. Although the MNCWA and other social services organizations have programs to provide women with income generating skills and to encourage women to take a greater role in the community, these programs are dwarfed by the desperate conditions of most women in the country. Given the government's absence of funding for these programs (they are largely "self-sustaining"), they reach only a small percentage of the women in need.

E. Due to budget constraints, the GOB does not support its prevention activities very well. For example, the six-person Social Welfare Bureau's Mobile Training Team is limited in funding and is unable to spend much time out in the provinces conducting training. The Bureau plans to split the team into two groups of three to increase its coverage this year.

F. Government ministries have an increasingly good relationship with UN agencies and NGOs that are concerned with trafficking issues. The UN and NGO "Working Group on Trafficking" meets quarterly, and in January 2004 discussed ways with the GOB to improve collaboration on GOB/NGO roles in repatriation, and to include the NGOs from the start of a repatriation case. However, the government attempts to control "civil society" organizations and ensure that all citizens support the policies of the regime. Local township organizations are extensions of the military junta and use a combination of a spoils system and intimidation to ensure support for government policies. As a result, the citizenry generally attempts to minimize its contacts with these organizations. On the issue of trafficking, citizens are encouraged to attend workshops and talks in order to show support for the government policies.

G. The GOB does not adequately monitor its borders, and Post is not aware of any monitoring of immigration or emigration patterns, or the analysis of such data for patterns of trafficking. While the government controls numerous official border crossings, there are probably hundreds of other crossings under the control of cease-fire groups, anti-government groups, and smugglers. The Ministry of Home Affairs told Emboff it has pointed out to the Immigration Ministry that overly tight exit controls on females force them to use illegal means to migrate and eliminates legal protections that a passport could give them.

H. Yes, there is a multi-agency task force under the guidance of the Ministry of Home Affairs to address trafficking in persons and a Convention 29 Implementation Committee under the Ministry of Labor to address forced labor. (See Prevention - "B.") There is a public corruption task force, but it is not allowed to investigate public officials unless directed to do so by OCMI. In October 2003 the GOB contacted a Rangoon-based Australian Aid organization (Asia Regional Cooperation to Prevent People Trafficking) to set up a 40-person Anti-Trafficking Police Unit under the Director General of the Burmese National Police Force. The unit is scheduled to open in April of 2004 and will have a 40-person office in Rangoon, 6 Task Forces, and 10 provincial units.

I. The MNCWA participates in regional and world conferences on women's issues, including trafficking. The Ministry of Foreign Affairs is in the final stages of drafting an MOU with the Thai government on repatriation. However, there has not been any regional coordination on specific interventions to prevent, monitor, or control sex trafficking.

J. The MNCWA developed a national plan to address trafficking in 2002 in coordination with the relevant ministries including Social Welfare, Immigration, and Home Affairs. The plan was coordinated with UNIAP. There is no national plan to address the issue of forced labor, though

one was prepared in 2003 by the ILO. That plan was shelved following a May 2003 attack by government thugs on the leader of the pro-democracy opposition, Aung San Suu Kyi, and her convoy.

1K. The Myanmar Women's Affairs Federation (MWAFF) and the Preventive Committee for Trafficking in Person are responsible for developing anti-Trafficking programs within the GOB. The Deputy Minister of Home Affairs, Brigadier General Thura Myint Maung, is the Chairman of the Human Trafficking Prevention Work Committee. The Minister of Labor is the person responsible for addressing forced labor.

Investigation and Prosecution of Traffickers:

1A. There currently is no law specifically prohibiting trafficking in persons. As was the case last year, the laws used to prosecute human traffickers are a combination of laws against kidnapping and prostitution. However, the Attorney General, with the help of the Ministry of Home Affairs, has drafted a new law specifically targeting traffickers, although it has not yet been promulgated.

1B. Sentences for trafficking in persons have traditionally ranged up to 10 years with hard labor, with a recent increase of the maximum penalty to life in prison. Most cases carry a sentence of five or more year's imprisonment. 136 cases received the maximum sentence between July 2002 and December 2003. Traffickers who have been sentenced are serving their terms.

1C. Penalties for prostitution are up to ten years imprisonment, sexual assault of an adult is up to two years, and sexual assault of a minor is up to ten years.

1D. The government states that it has prosecuted 294 cases against "540 brokers and traffickers" (304 male and 236 female) since July 2002. 1,475 "victims" were identified (795 males 650 females). The Ministry of Home Affairs admits that some of those cases involve human smugglers and not traffickers. There have been no prosecutions relating to forced labor.

1E. Human traffickers appear to be primarily free-lance small-scale operators using village contacts that feed into more established trafficking "brokers." There is no evidence of travel or tourism agencies being involved in the trafficking. There are multiple reports that low-level and regional government officials are involved in trafficking (see Overview section answer "H"). Except for the report of Village and Township-level Peace and Development Councils earning money from trafficking, and also from skimming remittances from migrants working in Thailand, Post has no other information on the destination of trafficking profits. However, the new Police Task Force will have a money laundering unit set up to investigate this issue. Human trafficking relating to forced labor is directed by the military and supported by township and regional military officials who arrange to meet the military's localized labor requirements.

1F. The prosecutions of traffickers that we have reviewed indicate that most arrests occur as the result of "tip-offs" from the MNCWA to local police rather than investigations. While the government maintains extensive and intrusive controls over the population, trafficking in humans is not the target of these efforts.

1G. The Social Welfare Bureau Mobile Training Teams, comprised of Deputy Director-level staff from the Attorney General's office, Ministry of Education, Department of Social Welfare, Myanmar Women Affairs Federation, Department of Immigration, and the Police Force have trained 300 township-level officials in 10 states. Also, AusAid will train the new Police Task Force. UNIAP and Save the Children (UK) conduct workshops that touch on this aspect of trafficking.

1H. There is some sharing of information between the Ministry of Home Affairs and the Thai Government on some trafficking issues. However, there is not yet cooperation in investigating and prosecuting trafficking cases. The Social Welfare Bureau told Emboff that MOFA is currently preparing an MOU on cooperation with Thailand (see Prevention answer "I"). The Ministry of Labor signed an MOU on "Cooperation in Employment" with the Thai Ministry of Labor in June 2003, part of which is aimed at suppressing trafficking to Thailand. The Ministry of Labor is proposing procedures to implement local level cross-border cooperation called for in the MOU.

1I. No, there have been no extradition of human traffickers to other countries. Burmese law prevents the extradition of nationals except under exceptional circumstances.

J/K. Given the pervasive government control that exists over the activities of all citizens, some tolerance and/or

collusion of low-level provincial government officials in human trafficking is assumed in order for the practice to continue on a large scale (see Overview section answer "H"). On forced labor, the military is the driving force behind the practice, and there have been no related arrests or prosecutions.

1L. The government signed ILO convention 29 on Forced and Compulsory Labor in 1955. Burma is considering becoming party to the Optional Protocol to the Convention on the Rights of the Child (CRC) on the sale of children, child prostitution, and child pornography, but has not signed yet. According to the Ministry of Home Affairs, the "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children" has been approved by the cabinet and is awaiting the Foreign Minister's signature.

Protection and Assistance to Victims:

1A. The Myanmar Women's Affairs Federation (MWAF) and the Social Welfare Department jointly assisted trafficking victims with counseling and job training at care centers before the women are returned to their families. The MWAF states that in 2003 a total of 150 victims were counseled at these facilities. HIV/AIDS screening is available, though there have been a few reported cases of involuntary testing.

1B. No, the government does not provide funding to foreign or domestic NGOs for services to victims. Foreign NGOs continue to provide some services and support to the government and local NGOs beginning for the second year. International NGOs have coordinated a limited number of victim repatriations with the government and local NGOs and continue provided public awareness materials to the government.

1C. There is a screening process in place to transfer victims detained in Thailand to an NGO based in Burma that does provide long-term care. There are no reports of victims being arrested inside Burma.

1D. There is a good understanding of the need to protect victims, especially those returning from international trafficking. We have heard of no returning victims being arrested or jailed.

1E. There has not been much focus on this aspect of human trafficking in public awareness campaigns to date and we know of no case in which the victims have filed suit against traffickers. In the area of forced labor, victims do not have an adequate mechanism for lodging complaints or seeking prosecutions.

1F. We do not have any information on the level of protection the government can or does provide witnesses in trafficking cases.

1G. The Social Welfare Bureau's Mobile Training Teams provide training to government officials on the recognition and provision of assistance to victims of human trafficking. Post is unable to determine if training has been provided to Burmese embassy staff in other countries and we have no information that these staff have instructions on engaging with NGOs working with trafficking victims. However, the Burmese embassy in Bangkok does provide consular and investigative assistance to trafficking victims brought to its attention.

1H. The GOB provides medical assistance and shelter to trafficking victims who are identified as victims during repatriation from Thailand. See "A" and "B" above; also "Overview - I."

1I. Save the Children UK and World Vision work with trafficking victims in Burma.

END REPORT

12. (U) The Embassy point of contact on TIP is Poloff David Juras, tel. 95-1-379-880, x4259, fax 95-1-256-018, e-mail jurasdj@state.gov. Time spent on preparing this report: 1 hour by an FS-MC, 2 hours by and FS-OC, 4 hours by an FS-2, 40 hours by an FS-3, and 11 hours by an FSN-6.

McMullen